

**Notice of Allowability****Application No.**

10/628,822

**Applicant(s)**

WALKER ET AL.

**Examiner**

SIU M. LEE

**Art Unit**

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 3/5/2009.
2. ☒ The allowed claim(s) is/are 13,14 and 16-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 5/28/2009.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jimmy L. Funke on 5/28/2009.

Please replace claim 13 by the following:

---A method of operating a receiver capable of playing a local broadcast signal and a national broadcast signal for providing a seamless transition between national broadcast information and local broadcast information by the receiver, said method comprising the steps of:

determining if the receiver is set to a national information mode setting or a local information mode setting by the receiver;

upon determining when the national mode setting is detected, gathering location information of the receiver;

downloading an available plurality of preferred local stations to the receiver that correlate to the gathered location information;

choosing a local station from the plurality of preferred local stations;

determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations, to select the local broadcast signal for playing by the receiver;

playing of the national broadcast signal by the receiver:

monitoring for a time-slot interrupt within the national broadcast signal ~~or~~ and a signal interrupt within the local broadcast signal, by the receiver;

detecting the time-slot interrupt or the signal interrupt by the receiver for interrupting the national broadcast signal; and

if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal by the receiver.---

***Allowable Subject Matter***

2. Claims 13-14, 16-20 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The present invention describes a method of operating a receiver capable of playing a local broadcast signal and a national broadcast signal for providing a seamless transition between national broadcast information and local broadcast information by the receiver, said method comprising the steps of determining if the receiver is set to a national information mode setting or a local information mode setting by the receiver; upon determining when the national mode setting is detected, gathering location information of the receiver; downloading an available plurality of preferred local

stations to the receiver that correlate to the gathered location information; choosing a local station from the plurality of preferred local stations; determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations, to select the local broadcast signal for playing by the receiver; playing of the national broadcast signal by the receiver; monitoring for a time-slot interrupt within the national broadcast signal and a signal interrupt within the local broadcast signal, by the receiver; detecting the time-slot interrupt or the signal interrupt by the receiver for interrupting the national broadcast signal; and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal by the receiver. The closest prior art, Godwin (US 6,741,834 B1) in view of Lee (US 5,797,087) and Konisi et al. (US 6,181,921 B1) disclose a similar method but failed to disclose monitoring for a time-slot interrupt within the national broadcast signal and a signal interrupt within the local broadcast signal, by the receiver; detecting the time-slot interrupt or the signal interrupt by the receiver for interrupting the national broadcast signal; and if either the time-slot interrupt or the signal interrupt is present, initiating the playing of the local broadcast signal by the receiver. This distinct feature has been added to independent claim 13, thus rendering claims 13-14 and 16-20 allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIU M. LEE whose telephone number is (571)270-1083. The examiner can normally be reached on Mon-Fri, 7:30-4:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Siu M Lee/  
Examiner, Art Unit 2611  
5/29/2009

/Chieh M Fan/

Supervisory Patent Examiner, Art Unit 2611